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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,088	07/06/2001	Toshiaki Nakano	Q65341	3529

7590 11/28/2006

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3202

EXAMINER
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BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/899,088	<b>Applicant(s)</b> NAKANO, TOSHIAKI	
	<b>Examiner</b> Brian J. Broadhead	<b>Art Unit</b> 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9-7-06 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 through 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cherveney et al., 2003/0125871, in view of Drury et al., 2004/0104842.

3. Cherveney et al. disclose location data receiving means for receiving present location data from said terminal unit via said communication network in paragraphs 36 and 39; road network data updating means for creating locus data on the basis of said present location data thus received to update said constructed road network data in paragraph 50; a comparing/collating section for comparing/collating a locus data of said location data with said road network data in paragraph 50; a road information updating section for updating said locus data as the road information if road data corresponding

to said locus data has not set in said road network data on the basis of a result of comparing/collating in paragraph 50; road information updating decision section for deciding said locus data as the road information to be updated if the locus data obtained by a prescribed number of terminal units have substantially the same locus in paragraphs 50 through 52; said map information includes node data indicative of point information on a map and link data indicative of road information on the map, and said road network site correlates these data and transmits these correlated data as road data to be updated to the terminal unit in figure 4a and paragraphs 5, 53, and 68-81; the server is configured to update road information in a map information providing system in paragraph 50-53; and the server has road information constructed therein in paragraph 47. Chervený et al., do not disclose the desired road information is provided in accordance with a request from each of the terminal units. Chervený et al. only discloses that updates are distributed and doesn't say whether the central station or the terminals initiate the updates. Drury et al. teaches the desired road information is provided in accordance with a request from each of the terminal units in paragraph 350. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Drury et al. in the invention of Chervený et al. because such modification would provide a way to initiate the updates disclosed in Chervený et al.

#### ***Response to Arguments***

4. Applicant's arguments filed 9-7-06 have been fully considered but they are not persuasive.

5. There seems to be confusion about what each reference is cited for teaching. Applicant is arguing that contrary to the examiner's supposed position Cherveny teaches the statistical data analyzer updates the central geographic database but this isn't what Drury is being cited for teaching. First, the applicant needs to understand that there are two sets of updates being done. The first one is the update of the central database. The second is the updating of terminal units with the newly updated central database(via a request). The first updating is clearly done by Cherveny at the server. The second updating is disclosed by Cherveny but it isn't disclosed whether the server or terminal units initiates the updates. Drury is cited for the teaching that the terminal units initiate the updates, i.e. the terminal "requests" the desired road information. It is because of this second updating or request that one would look to Drury. The fact that the central database is updated by the server has no bearing on how the terminal units would be distributed a newer updated version of the central database. The applicant's citation of the claim language on page 12 of the remark only solidifies the examiner's position. The "said sever is configured to update road information in a map information providing system" is covered by Cherveny updating the central database. The limitation "said map information providing system provides desired road information in accordance with a **request** from at least one of said terminal units" is taught by Drury. Cherveny only discloses in paragraphs 58 and 59 that the updated central database is made available for the terminal units. Cherveny is silent as to whether the terminal makes a request or the server pushes the new information to the terminals. Drury

provides a teaching as to how to accomplish the "second" updating disclosed by Cherveny.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BJB

  
THOMAS BLACK  
SUPERVISORY PATENT EXAMINER